

and technical assistance including installation and operation of the device unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place. Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished, to the authorized law enforcement agency designated in the court order, at reasonable intervals during regular business hours for the duration of the order.

3. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to this section shall be compensated for reasonable expenses incurred in providing such facilities and assistance.

4. A cause of action shall not lie in any court against any provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order under section 808B.11 or 808B.12.

5. A good faith reliance on a court order under section 808B.11 or 808B.12 is a complete defense against any civil or criminal action brought under this chapter or any other statute.

Sec. 29. NEW SECTION. 808B.14 REPORTING INSTALLATION AND USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

In January of each year, the attorney general and the county attorneys of this state shall report, to the state court administrator, the number of pen register orders and orders for trap and trace devices applied for and obtained by their offices during the preceding calendar year.

Approved April 28, 1999

CHAPTER 79

MECHANICS' LIENS

S.F. 429

AN ACT relating to notification of forfeited and cancelled mechanics' liens, challenging a mechanic's lien, and providing a remedy.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 572.23, Code 1999, is amended to read as follows:

572.23 ACKNOWLEDGMENT OF SATISFACTION OF CLAIM.

1. When a mechanic's lien is satisfied by payment of the claim, the claimant shall acknowledge satisfaction thereof upon the mechanic's lien book, or otherwise in writing, and, if the claimant neglects to do so for thirty days after demand in writing is personally served upon the claimant, the claimant shall forfeit and pay twenty-five dollars to the owner or contractor, and be liable to any person injured to the extent of the injury.

2. If acknowledgment of satisfaction is not filed within thirty days after service of the demand in writing, the party serving the demand or causing the demand to be served may file for record with the clerk of the district court a copy of the demand with proofs of service attached and endorsed and, in case of service by publication, a personal affidavit that personal service could not be made within this state. Upon completion of the requirements of this subsection, the record shall be constructive notice to all parties of the due forfeiture and cancellation of the lien. Upon the filing of the forfeiture of the lien, the clerk of the district court shall mail a file-stamped copy of the cancellation to both parties.

Sec. 2. Section 572.24, Code 1999, is amended to read as follows:

572.24 TIME OF BRINGING ACTION — COURT.

1. An action to enforce a mechanic's lien, or an action brought upon any bond given in lieu thereof, may be commenced in the district court after said lien is perfected.

2. An action to challenge a mechanic's lien may be commenced in the district court or small claims court if the amount of the lien is within jurisdictional limits. Any permissible claim or counterclaim meeting subject matter and jurisdictional requirements may be joined with the action. The court shall make written findings regarding the lawful amount and the validity of the mechanic's lien. In addition to any other appropriate order, the court may enter judgment on a permissibly joined claim or counterclaim. If the court determines that the mechanic's lien is invalid, valid for a lesser amount, frivolous, fraudulent, forfeited, expired, or for any other reason unenforceable, the clerk of the district court shall make an entry of record to the mechanic's lien book regarding the proper amount of the lien or, if warranted, canceling the lien.

Sec. 3. Section 572.28, Code 1999, is amended to read as follows:

572.28 DEMAND FOR BRINGING SUIT.

1. Upon the written demand of the owner, the owner's agent, or contractor, served on the lienholder requiring the lienholder to commence action to enforce the lien, such action shall be commenced within thirty days thereafter, or the lien and all benefits derived therefrom shall be forfeited.

2. If an action is not filed within thirty days after demand to commence action is served, the party serving the demand or causing the demand to be served may file for record with the clerk of the district court a copy of the demand with proofs of service attached and endorsed and, in case of service by publication, a personal affidavit that personal service could not be made within this state. Upon completion of the requirements of this subsection, the record shall be constructive notice to all parties of the due forfeiture and cancellation of the lien. Upon the filing of the demand with the required attachments, the clerk of the district court shall mail a file-stamped copy of the demand to both parties.

Sec. 4. Section 572.32, Code 1999, is amended to read as follows:

572.32 ATTORNEY FEES — REMEDIES.

1. In a court action to enforce a mechanic's lien, if the plaintiff furnished labor or materials directly to the defendant, ~~the a prevailing plaintiff, if successful, shall~~ may be awarded reasonable attorney fees.

2. In a court action to challenge a mechanic's lien filed on an owner-occupied dwelling, if the person challenging the lien prevails, the court may award reasonable attorney fees and actual damages. If the court determines that the mechanic's lien was filed in bad faith or the supporting affidavit was materially false, the court shall award the owner reasonable attorney fees plus an amount not less than five hundred dollars or the amount of the lien, whichever is less.

Sec. 5. Section 631.1, Code 1999, is amended by adding the following the* new subsection:

NEW SUBSECTION. 6. The district court sitting in small claims has concurrent jurisdiction of an action to challenge a mechanic's lien pursuant to sections 572.24 and 572.32.

Approved April 28, 1999

* According to enrolled Act